

TOWN BOARD

The Town Board, Town of Highlands, held a Special Meeting on Thursday, February 17, 2011 at Town Hall, 254 Main Street, Highland Falls, NY 10928 at 7:30pm.

PRESENT:	Edward Magryta	----	Supervisor
	Holly Gokey	----	Council Member
	William Edsall	----	Council Member
	Laurie R. Tautel	----	Council Member
	Mervin R. Livsey, Jr.	----	Council Member
	Justin Rider	----	Counsel
	June Patterson	----	Town Clerk

Supervisor Magryta opened the meeting at 7:40pm.

Supervisor Magryta informed everyone that the State of the Town Address will be on Monday, February 28 at 7:00pm.

Supervisor Magryta said that people have been requesting that the meeting on February 14 be aired again and the Supervisor will try to do that on February 21.

Supervisor Magryta clarified the Town Hall business hours and the lunch break that the employees are given. The Supervisor said that the Town Hall business hours are from 8:00am to 4:30pm and the employees have 1 hour for lunch (½ paid and ½ unpaid).

PUBLIC COMMENT

Ann Marie Feducia asked the Board to reconsider Comptroller Blauvelt's raise.

Frank Cassano commented on the State Report.

June Gunza hopes the Board puts the report behind them and moves forward.

Council Member Gokey said the people want to know what is going on.

Supervisor Magryta said it is a chance for the Town to learn what has been accomplished over the past year.

Council Member Edsall said the report was very strongly worded and he found it offensive.

Council Member Livsey said that the audit is a very serious matter and he doesn't believe that three Board Member were properly notified about the change in the meeting on February 14.

TOWN BOARD

FEBRUARY 17, 2011

MINUTES

Council Member Livsey made a motion seconded by Council Member Tautel to accept the minutes from the January 10 and January 20 meetings.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

AUDIT OF ACCOUNTS PAYABLE

Council Member Livsey made a motion seconded by Council Member Gokey to approve the A/P Register dated 1/6/11 in the amounts of \$504.00 and \$61,247.34.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Gokey made a motion seconded by Council Member Tautel to approve the A/P Register dated 1/13/11 in the amount of \$333,071.94.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Livsey made a motion seconded by Council Member Gokey to approve the A/P Register dated 1/27/11 in the amount of \$89,969.03.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Gokey made a motion seconded by Council Member Tautel to approve the A/P Register dated 2/11/11 in the amounts of \$262.50 and \$326,750.01.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

TRANSFER OF AMBULANCE RESERVE – AMBULANCE PURCHASE

Capt. Stroppel reported that the new ambulance had been delivered, but still needs to be registered.

Council Member Gokey offered to register it.

Supervisor Magryta has a budget transfer from the Comptroller to transfer money to cover the purchase of the new ambulance.

TOWN BOARD

FEBRUARY 17, 2011

Council Member Edsall made a motion seconded by Council Member Tautel to transfer \$145,000 from the Ambulance Reserve Fund to the Ambulance – Transportation Expense (SA.4540.0402).

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

APPOINTMENT OF PURCHASING AGENT/EMT

Council Member Tautel made a motion seconded by Council Member Livsey to appoint Rochelle Farina as a part-time EMT at a rate of \$14.05 per hour.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Gokey made a motion seconded by Council Member Livsey to appoint Christina Stradley as Purchasing Agent, effective February 22, 2010, at an annual salary of \$5,000 (pro-rated).

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

RESOLUTION – VETERAN’S EXEMPTION

Council Member Gokey said there are approximately 315 veterans receiving exemptions from Orange County. This number includes Disabled Veterans, Combat Veterans and Wartime Veterans.

Council Member Livsey made a motion seconded by Council Member Gokey to introduce a Local Law and schedule a public hearing to amend and restate Article II of Chapter 179 entitled “Taxation” of the code of the Town of Highlands.

**RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

******RESOLUTION ATTACHED******

Supervisor Magryta said these exemptions will not take effect until 2012.

RESOLUTION – GRIFFIN RETAINER AGREEMENT

Supervisor Magryta has a resolution to authorize a retainer with Griffin for a tax certiorari appraisal for First Garden Park. The Supervisor said this expense will be shared by the school district.

TOWN BOARD

FEBRUARY 17, 2011

Council Member Tautel made a motion seconded by Council Member Livsey to adopt a resolution authorizing retainer agreement: Tax Certiorari Appraisal – First Garden Park.

RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

******RESOLUTION ATTACHED******

RESOLUTION – FINANCIAL INFORMATION REPORTING

Supervisor Magryta would like the deadline for filing the financial data to the Town Clerk extended to coincide with the filing of the Annual Update Document.

Council Member Tautel made a motion seconded by Council Member Gokey to adopt the resolution extending the filing date of the financial information to the Town Clerk.

RESOLUTION ADOPTED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

******RESOLUTION ATTACHED******

RESIGNATION

Council Member Livsey made a motion seconded by Council Member Tautel to accept the resignation of Police Officer Michael Imperio effective immediately.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

RECREATION INTER-MUNICIPAL AGREEMENT PROPOSAL

Council Member Livsey said, that after a meeting with Mayor D’Onofrio, School Board President Kevin D’Onofrio and School Superintendent Debra Jackson, the School Board has offered the Town the use of Fickens Field. Mr. Livsey said the Town will not have to pay for the use of the field, but will be required to maintain the field during the time used. Mr. Livsey believes that this is a good opportunity.

Supervisor Magryta said that it sounds like a good idea and verified with Council Member Livsey that the Town would only have to maintain the field while using it.

Council Member Livsey said the Town would only maintain the field during May and June.

Supervisor Magryta is concerned because the proposal does not state May and June.

TOWN BOARD

FEBRUARY 17, 2011

Council Member Livsey told the Supervisor he would get an answer for him.

Supervisor Magryta said that if Council Member Livsey gets this cleared up, it will be put on the agenda for March 20.

OUTSTANDING COMMITTEE ISSUES

Council Member Livsey:

Council Member Livsey would like to pay the school the \$1,769 for the use of the gym for basketball.

Supervisor Magryta asked Mr. Rider to update the Board.

Mr. Rider said that there are other outstanding issues with fees for the school.

Supervisor Magryta asked what the normal procedure is for handling this situation.

Mr. Rider said that one fee would offset the other, but advised the Board to wait until there was more clarity on the fees owed.

Council Member Livsey said that each parent paid \$15 for their children to be involved and he doesn't want to get involved with not sending the parents' money to the school.

Supervisor Magryta wants to make sure that things are done in an acceptable way.

Mr. Rider said there would be no problems if the bill is paid.

Council Member Edsall doesn't see the point in spending time and money to collect the debt from the school.

Supervisor Magryta said that if the debt is \$80,000, the Town should collect it.

Mr. Rider needs to see the agreement before a decision is made.

Council Member Livsey made a motion seconded by Council Member Edsall to pay the \$1,769 to the school for the use of the gym during basketball season.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

TOWN BOARD

FEBRUARY 17, 2011

Council Member Livsey would like to pay Leif Signs \$130 for spring signage at Brooks Park.

Council Member Livsey made a motion seconded by Council Member Tautel to send \$130 to Leif Signs for another sign at the Kiosk at Brook's Park.

**MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays**

Council Member Tautel:

Council Member Tautel said that DEC has agreed to amend the 2004 grant. Ms. Tautel has been pulling receipts to submit to them.

Supervisor Magryta asked Council Member Tautel to forward any grant information to Council Member Edsall.

Council Member Livsey:

Council Member Livsey announced that there will be a Ponytail meeting on Saturday at 10:30am at the Town Hall.

Council Member Livsey would like to discuss community service at the workshop.

Council Member Tautel said she is working on the community service issue.

Council Member Gokey:

Council Member Gokey said that the Assessor's Office is getting stuff together for March 1. Ms. Gokey said that they will start gathering data for the re-valuation on March 2 and the Board needs to discuss hiring the second Data Collector.

CLARIFICATIONS/ADJUSTMENTS TO 2011 TOWN RE-ORGANIZATION

Supervisor Magryta said that the salary of the Dial-A-Bus Manager is \$1,763, not \$1,622 as previously stated.

Supervisor Magryta said there are two pay issues that will be discussed in executive session before being brought to the public.

Supervisor Magryta said that the Fort Montgomery water project is still in negotiations and it is looking promising.

TOWN BOARD

FEBRUARY 17, 2011

PUBLIC COMMENT

Pierre Chaubard asked the Board if Town residents are required to hook up to water if it becomes available.

Supervisor Magryta said that the residents will have the option to hook up, but they will be responsible for paying on the bond even if they do not hook up.

Frank Cassano asked how the Purchasing Agent was hired.

Supervisor Magryta said the State recommended the Town have a Purchasing Agent and after interviewing, the Board decided to hire someone already employed by the Town.

EXECUTIVE SESSION

Council Member Livsey made a motion seconded by Council Member Tautel to go into executive session. Board went into executive session at 10:00pm.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

Council Member Tautel made a motion seconded by Council Member Livsey to close the executive session. Executive session closed at 11:01pm.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

Council Member Tautel made a motion seconded by Council Member Edsall to adjourn the meeting. Meeting adjourned at 11:02pm.

MOTION CARRIED: 5-ayes (Magryta, Gokey, Edsall, Tautel, Livsey)
0-nays

Attest,

RESOLUTION
OF
FEBRUARY 17, 2011

A RESOLUTION TO INTRODUCE AND
SCHEDULE A PUBLIC HEARING TO RECEIVE
PUBLIC COMMENTS CONCERNING THE ENACTMENT OF
A LOCAL LAW AMENDING AND RESTATING
ARTICLE II OF CHAPTER 179 ENTITLED "TAXATION"
OF THE CODE OF THE TOWN OF HIGHLANDS

Council Member **Livsey** moved the following resolution which was seconded by Council Member **Gokey**.

BE IT RESOLVED, that INTRODUCTORY LOCAL LAW NO. 1 OF 2011 entitled "A Local Law Amending and Restating Article II of Chapter 179 entitled 'Taxation' of the Code of the Town of Highlands" be and hereby is introduced before the Town Board of the Town of Highlands in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that pursuant to Municipal Home Rule Law Section 20, a public hearing shall be held to receive comments concerning the enactment of said Local Law on February 28, 2011 at 7:00 p.m. at the Town Hall located at 254 Main Street, Highland Falls, New York, and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing specifying the time when and the place where such public hearing will be held by publication and posting in accordance with the Municipal Home Rule Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Mervin R. Livsey, Jr., Councilman voting **Aye**

Laurie R. Tautel, Councilwoman voting **Aye**

Holly Gokey, Councilwoman voting **Aye**

William W. Edsall, Councilman voting **Aye**

Edward Magryta, Supervisor voting **Aye**

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of Town Board, Town of Highlands, on February 17, 2011.

June Patterson, Town Clerk

RESOLUTION
OF
FEBRUARY 17, 2011

A RESOLUTION OF THE TOWN BOARD
AUTHORIZING RETAINER AGREEMENT:
TAX CERTIORARI APPRAISAL – FIRST GARDEN PARK

Council **Tautel** moved the following resolution which was seconded by Council **Livsey**.

WHEREAS, the appraising firm of Griffin Valuation & Realty Services, Ltd. (“Griffin”), has offered to provide appraisal services related to the inspection of the mobile home units in connection with a tax certiorari proceeding instituted by First Garden Park, LP (the “Agreement”); and

WHEREAS, the Agreement anticipates an approximate cost of \$8,450.00, for the initial tax year, with additional charges of approximately twenty percent each tax year thereafter, all of which fees would be split between the Town of Highlands and the Highland Falls-Fort Montgomery Central School District; and

WHEREAS, the Town Board has reviewed the terms and conditions of the aforesaid Agreement and finds the Agreement acceptable.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town of Highlands Supervisor is hereby authorized to enter into for and on behalf of the Town of Highlands, the Agreement with Griffin.
2. That the Supervisor is hereby authorized and empowered to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, agreements, documents and papers as may be necessary to effectuate and carry out the contents of the foregoing resolutions and agreements.
3. That the aforesaid resolutions shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

<u>Mervin R. Livsey, Jr., Councilman</u>	voting Aye
<u>Laurie R. Tautel, Councilwoman</u>	voting Aye
<u>Holly Gokey, Councilwoman</u>	voting Aye
<u>William W. Edsall, Councilman</u>	voting Aye
<u>Edward Magryta, Supervisor</u>	voting Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting of the Town Board, Town of Highlands, on February 17, 2011.

June Patterson, Town Clerk

RESOLUTION
OF
FEBRUARY 17, 2011

A RESOLUTION OF THE
TOWN BOARD
EXTENDING THE FILING DATE
OF THE FINANCIAL INFORMATION
TO THE TOWN CLERK

Council Member **Tautel** moved the following resolution which was seconded by Council Member **Gokey**.

WHEREAS, a summary of the financial condition of the Town must be filed with the Town Clerk by the end of January each year; and

WHEREAS, the Annual Update Document (AUD) is due to the Town Clerk and State Comptroller by April 1st or May 1st, with an extension, of each year.

NOW, THEREFORE BE IT RESOLVED, that the Town Board, of the Town of Highlands, is extending the filing of the financial data to April 1st or May 1st, with an extension, to coincide with the filing of the Annual Update Document.

BE IT FURTHER RESOLVED that the aforesaid resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

William Edsall, Council Member	voting Aye
Holly Gokey, Council Member	voting Aye
Laurie R. Tautel, Council Member	voting Aye
Mervin R. Livsey, Jr., Council Member	voting Aye
Edward Magryta, Supervisor	voting Aye

The foregoing constitutes a true and complete copy of a resolution duly made, seconded and adopted at a meeting Of the Town Board, Town of Highlands, on February 17, 2011.

June Patterson, Town Clerk